

JAMES P. KEMP, ESQUIRE  
Nevada Bar No. 006375  
KEMP & KEMP  
7435 W. Azure Drive, Suite 110  
Las Vegas, NV 89130  
(702) 258-1183/258-6983(fax)  
[jp@kemp-attorneys.com](mailto:jp@kemp-attorneys.com)  
Attorney for Plaintiff *Pro Bono Publico*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\*\*\*

YUNG LO, Plaintiff, }  
 } Case No. 2-12-01487-ABC-PAJ

VS

ETT GAMING and AFFINITY  
GAMING,  
Defendants.

STIPULATION AND ORDER TO  
GRANT MOTION FOR MORE  
DEFINITE STATEMENT, TO  
SCHEDULE EARLY NEUTRAL  
EVALUATION CONFERENCE, AND TO  
STAY OTHER PROCEEDINGS  
PENDING COMPLETION OF THE ENE  
CONFERENCE

## **STIPULATION**

It is hereby stipulated by and between the parties, through their respective counsel, that this matter, being an employment discrimination action, should be scheduled for an Early Neutral Evaluation (ENE) Conference and that during the pendency of the ENE that all other proceedings in this matter shall be stayed. Further, the Defendants' Motion for More Definite Statement should be granted. This stipulation is submitted and based upon the following:

1. The above-captioned employment discrimination matter was initiated by the Plaintiff in proper person on November 5, 2012. Thereafter it languished. The entire history of the case is available on PACER and need not be recited here. However, on February 4, 2015 the Court appointed undersigned Counsel, J.P. Kemp, Esq., to represent the

1 Plaintiff for the limited purposes of 1) effectuating service of the Complaint; and 2)  
 2 representing the Plaintiff at an ENE Conference. (Order of Appointment of Counsel,  
 3 DOC #34)

4

5 2. Service of Process on the Defendants has been effectuated. On April 17, 2015 the  
 6 Defendants filed a Motion for More Definite Statement and that matter is pending  
 7 hearing before the Court on May 19, 2015.

8 3. On November 26, 2014 (DOC #29) the Court issued an ENE Notice that indicated  
 9 that the case should be scheduled for an ENE pursuant to LR 16-6 and that Magistrate  
 10 Judge Foley would be the evaluating Magistrate Judge. However, as yet the ENE  
 11 Conference has not been scheduled and has not taken place.

12 4. The Plaintiff stipulates that the Motion for More Definite Statement has merit and  
 13 should be granted. The May 19, 2015 hearing on that motion should be vacated as  
 14 moot.

15 5. The Parties agree that in light of the scope of Mr. Kemp's representation ordered by the  
 16 Court, that all other proceedings in this case should be stayed pending the scheduling  
 17 and completion of the ENE Conference.

18 6. Should the ENE Conference not be successful in resolving the case in its entirety, the  
 19 Plaintiff shall be given 21 days from the date of the minute order entered by the Court  
 20 indicating the result of the ENE Conference in which to file an Amended Complaint.

21

22 DATED this 1<sup>st</sup> day of May, 2015.

23 /s/ James P. Kemp

24 James P. Kemp, Esq.  
 25 Nevada Bar No. 6375  
 26 KEMP & KEMP ATTORNEYS AT LAW  
 27 7435 West Azure Drive, Suite 110  
 Las Vegas, NV 89130  
 Attorney for Plaintiff

/s/ David B. Dornak

28 Mark J. Ricciardi, Esq.  
 David B. Dornak, Esq.  
 FISHER & PHILLIPS  
 3800 Howard Hughes Pkwy, Suite 950  
 Las Vegas, NV 89169  
 Attorneys for Defendants

KEMP & KEMP  
ATTORNEYS AT LAW  
7435 W. Azure Drive, Suite 110  
LAS VEGAS, NEVADA 89130 • Fax (702) 258-6983  
Tel. (702) 258-1183 • Fax (702) 258-6983

## ORDER

Based upon the foregoing Stipulation of the Parties, and with good cause appearing, IT IS  
HEREBY ORDERED that the Stipulation is approved and GRANTED. This matter will be  
scheduled for an Early Neutral Evaluation (ENE) Conference with Magistrate Judge Foley at his  
convenience and by a separate order issued by him in accordance with the Court's ENE Notice filed  
November 26, 2014 (DOC #29);

IT IS FURTHER ORDERED that the Defendants' Motion for a More Definite Statement should be and hereby is GRANTED. The Motion hearing currently scheduled for May 19, 2015 at 10:00 a.m. is vacated as the matter is now moot;

IT IS FURTHER ORDERED that pursuant to the Court's February 4, 2015 Order Appointing Counsel, and given the limited scope of representation of Plaintiff's Counsel, that all other proceedings in this action are STAYED pending the outcome of the ENE Conference in this matter;

IT IS FURTHER ORDERED that should the ENE Conference not be successful in fully resolving this matter, that the Plaintiff shall have 21 days from the date of the Court's minute order indicating the result of the ENE Conference in which to file an Amended Complaint.

## IT IS SO ORDERED

U.S. DISTRICT/ MAGISTRATE JUDGE

Dated: May 5, 2015